

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

FIRST CALL AMBULANCE SERVICE, INC.)
)
)
v.) No. 3:10-0247
)
DEPARTMENT OF HEALTH AND HUMAN)
SERVICES and KATHLEEN SEBELIUS,)
Director of D.H.H.S.)

O R D E R

Currently pending in this matter is the government's motion to reschedule the initial case management conference, filed on June 1, 2010. (Docket Entry No. 10) This conference was initially scheduled before the undersigned by notice generated by the Clerk's Office, pursuant to Local Rule 16.01. (Docket Entry No. 3) However, it appears that this case under 42 U.S.C. § 1395ff(b) is in fact an appeal from a final decision of the D.H.H.S., wherein judicial review is based solely upon the administrative record. See Docket Entry Nos. 1, 1-2. Accordingly, this case is exempt from customized case management. LR 16.01(b)(2)(d.). As such, the government's motion to reschedule the initial case management conference is **DENIED** as moot.

In its motion to reschedule, defense counsel noted that at least the U.S. Attorney's Office had not been served with process in this matter. Nevertheless, the U.S. Attorney's appearance was entered on behalf of defendants on June 1, 2010 (Docket Entry No. 9), and, with plaintiff's counsel's permission, a continuance of proceedings was "requested until a date after August 31, 2010," because a transcript of the administrative

proceedings could not be prepared in less than ninety days.

In view of these circumstances, it is hereby **ORDERED** that the government shall file its answer to plaintiff's complaint and a transcript of administrative proceedings by **Friday, September 3, 2010**. Thereafter, unless otherwise directed by the district judge, the undersigned will enter a scheduling order directing the filing of motions for judgment on the administrative record, to enable the judicial review contemplated by 42 U.S.C. § 1395ff(b). The undersigned will then enter a Report and Recommendation for disposition of the motions.

So **ORDERED**.

s/ John S. Bryant
JOHN S. BRYANT
UNITED STATES MAGISTRATE JUDGE